

years, Canada has not settled the procedure for amending its own constitution. There is nothing in the Act itself about the procedure for amending it. Legally there is, of course, no difficulty about it. The British North America Act is an Act of the United Kingdom Parliament and can be amended in the same way as any other act of the United Kingdom Parliament, namely by an amending statute. With Canada's independent status, it goes without saying that the United Kingdom Parliament does not amend the British North America Act except when requested so to do by Canada. The Act has been amended many times and the practice has grown up of having a joint resolution passed in the House of Commons and Senate of Canada, requesting the United Kingdom Parliament to amend the Act in a specific way. The United Kingdom Parliament has invariably acted upon a request of this kind.

This is obviously unsatisfactory. It has continued, not because of the unwillingness of the United Kingdom Parliament to give up its rights but because the people of Canada have not been able to agree upon a satisfactory procedure.

The first step was taken in Ottawa at the last session of Parliament, when the federal government obtained power to amend those parts of the B.N.A. Act which concern the federal government alone. There are, however, a great many provisions of the Act which concern one or more provinces or which concern both the provinces and the dominion. Obviously it would not be satisfactory for the federal government to amend those provisions of the constitution without reference to the provinces. A conference was held in Ottawa in January of this year for the purpose of devising a procedure for the amendment of the constitution. I think it is fair to say the central government and all the provinces agreed that the present position was unsatisfactory. The conference set up a continuing committee consisting of the attorneys-general of the federal government and the provinces who are to study the question and report later to a full meeting of the conference.

So far I have been concentrating more on the legislative branches of the federal and provincial governments. In the few minutes left I should perhaps say something about the executive and judicial branches though what I am going to say will, I am sure, not be new to any of you.

As I explained at the outset, the British North America Act does not profess to be a complete constitutional document. One would look in vain in that Act for many constitutional practices now current in Canada. This is particularly true as regards the functions of the executive authority in both the federal and provincial governments.

Nominal executive authority is vested in the King, since he appoints the Governor General on the advice of his Canadian ministers. The Governor General is bound by the terms of his commission and instructions and in effect acts only upon the advice of his Canadian ministers. For all practical purposes, executive authority is vested in the Cabinet, a body not mentioned in the British North America Act. The members of the Cabinet are chosen by the Prime Minister. The Cabinet formulates policy, sponsors most of the important legislation and each of its members is usually responsible for the administration of a department. Cabinet thus not only formulates policy and sponsors legislation, but controls the administrative machinery that gives it effect.